

FORCE RESPONSE REVIEW

Public Safety Advisory Board

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Commander Jamey McDonald



WHAT'S COVERED

- ▶ Force Response Guidelines
 - ▶ *Graham v. Connor*
 - ▶ TPD Policy 300.3 and 300.4
 - ▶ ORS 161.235
 - ▶ ORS 161.239
- ▶ What does this all mean?
- ▶ Review Process



TPD POLICY 300.3

► Use of Force

- Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.
- The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.



ORS 161.235

- ▶ Use of Physical Force in Making an Arrest or in Preventing an Escape
 - ▶ A peace officer is justified in using physical force upon another person only when and to the extent that the peace officer reasonably believes it necessary:
 - ▶ To make an arrest or to prevent the escape from custody of an arrested person unless the peace officer knows that the arrest is unlawful
 - ▶ For self-defense or to defend a third person from what the peace officer reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest or while preventing or attempting to prevent an escape



WHAT DOES ALL THIS MEAN?

- ▶ Force Responses are a balancing act of the need for government intrusion (seizure of a person) against the reasonably foreseeable risks (injury) created by the tactics, techniques, or tools we are using to achieve a lawful (arrest, detain, threat reduction) objective



WHAT DOES ALL THIS MEAN?

- ▶ Police Legitimacy
 - ▶ Level of justification
 - ▶ U.S. Constitution, Fourth Amendment
 - ▶ Oregon Constitution, Article I, Section 9
 - ▶ Oregon Revised Statutes
 - ▶ Department Policy
 - ▶ Public Perception or Expectation
 - ▶ **Each level is progressively harder to obtain**



FORCE RESPONSE REVIEW PROCESS

- ▶ After a use of force, a supervisor will respond to the scene.
- ▶ The supervisor's responsibility is to investigate the force response.
- ▶ They interview the person force was used on, any witnesses and involved or witness officers.
- ▶ They make a determination as to if the force used was within policy.



OTHER POLICY CONSIDERATIONS

- ▶ Duty to Intercede
 - ▶ TPD Policy 300.2.1
 - ▶ If you observe someone using force that is clearly beyond that which is objectively reasonable you need to intercede when you are in a position to do so
 - ▶ We are all human and subject to influences like emotion
 - ▶ You are also required to report to a supervisor, as soon as feasible, if you witness another member of this department using force that is potentially beyond that which is objectively reasonable



CONTINUING EDUCATION

- ▶ Duty to Intercede
- ▶ Use of Daily Training Bulletins



CONTINUING EDUCATION

Working to educate the community

Balance community expectations with need to perform law enforcement mission

Governmental interest

Departmental scenario-based training



QUESTIONS?

